

**UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

PRO- CE

Plaintiff: Julianne Winston  
P.O. BOX 183  
101 N. 2ND ST.  
Shepard, MI. 48883

L\C Case NO. 214-3582 DPR

Defendant: Judge: Brian Berger \  
Referee: Dale Murney

Case: 1:23-cv-13024  
Judge: Ludington, Thomas L.  
MJ: Morris, Patricia T.  
Filed: 11-29-2023 At 02:32 PM  
CMP Winston v. Berger (krc)

**COMPLAINT TO UPHOLD JUDGE BERGER AND REFEREE DALE MURNEY  
ACCOUNTABLE**

**Judge Berger, and Referee Dale Murney involved in the following 23 misconduct and including malicious prosecution under the color of law and violation of supreme court legislature and constitution**

1. Violate amendment of constitutional right deprivation all rights of plaintiff and her children , and the privilege and immunities, and protection secured by the constitution and its law. under local.officials within their lawful authority but also the act not only done beyond the bounds of that officials lawful authority. under color of law, by pretending to act in the performance of his/her official duties.

2. Deprivation of plaintiff all amendment and Bill of rights,include but not limited to

\*1st amendment speech, judge deprive the plaintiff or her attorney's practice **Freedom of speech, press, assembly, and petition.** to defend herself, judge impartial dismissed all motion of the plaintiff depriving her right to appeal, or appoint of attorney

\* Fourth amendment The Fourth Amendment originally enforced the notion that "each man's home is his castle", secure from unreasonable searches and seizures of property by the government. It protects against arbitrary arrests, and is the basis of the law regarding search warrants, stop-and-frisk, safety inspections, wiretaps, and other forms of surveillance, as well as being central to many other criminal law topics and to privacy law.

- \* The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.(for example) jury selection or the protection of witnesses, including victims of sex crimes as well as witnesses in need of protection from retaliation.
  - \* The Seventh Amendment continues a practice from English common law of distinguishing civil claims which must be tried before a jury (absent waiver by the parties) from claims and issues that may be heard by a judge alone. It only governs federal civil courts and has no application to civil courts set up by the states when those courts are hearing only disputes of state law. Right of trial by jury in civil cases.
  - \* Eighth amendment Most often mentioned in the context of the death penalty, the Eighth Amendment prohibits cruel and unusual punishments, but also mentions “excessive fines” and bail. The “excessive fines” clause surfaces (among other places) in cases of civil and criminal forfeiture,
  - \* The Ninth Amendment The Ninth Amendment was James Madison’s attempt to ensure that the Bill of Rights was not seen as granting to the people of the United States only the specific rights it addressed. In recent years, some have interpreted it as affirming the existence of such “unenumerated” rights outside those expressly protected by the Bill of Rights
  - \* The Fourteenth amendment equal of protection and right of citizen
3. Judge is not impartial If a judge does not follow the law and makes rulings and decides cases according to that judge's own personal, political or religious views, then that judge is not fair and impartial, then one or both parties are denied their fundamental constitutional right to due process of law.  
Impartial and favoritism showing interest in one party and not even to the minor children but the defendant and his relationship with the defendant,
- \* always side up to the Defendant Deming regardless he is guilty and against the plaintiff even if she is non guilty, refuse to hear from plaintiff, her attorney or her witnesses, refused Investigate or ask the defendant his testimony regards the claims against instead acted as his Attorney to defending him blindly and dismiss the case
  - \* speedy trial against the plaintiff if malicious contempt of court order or if defendant entered a motion all EX- Parte entered by the defendant, judge scheduled the defendant hearing in 2 weeks not allowing the plaintiff enough time to prepare or appoint attorney, or even reschedule if

she had urgent matter as surgery, out of town, work schedule for children or emergency matter, including plaintiff attorney trying to rescheduled to have enough time to study the case. Judge informed them only this case he won't reschedule because he hate the plaintiff

\* on the other hands if plaintiff filed contempt of court order about defendant constant violation of court order, or Emergency motion for kids endangerment, due defendant drunk driving with the 3 minor children 6 hours distance with revoked driver license, 2o DUI and DWI, child abuse and neglect, child support enforcement, judge either delayed it for entire year and delayed it for another Year stating he would like to be nice and grant Mr. Deming all his right and, and all his trial right to be rescheduled even though the defendant never asked him at hearing , but basically protecting him from getting arrested for child support felony at one when plaintiff appoints AG to enforce the child support. Other wise plaintiff dont have right to file motion will set them aside to prevent plaintiff from appealing, or if he file the motion after Year later after Judge request from defendant deming to apposed plaintiff with other motion and he will hear it before the plaintiff even the defendant filed his motion a year after but still the judge waiting first for the defendant to be heard, or as reason to find when he order false arrest on the plaintiff maliciously and sentence her 2 month after judge couldnt find legal ground against the plaintiff 09/28/22 of his malicious prosecution he made up she was arresting for notice of hearing which been set aside for a year

\* Judge selective who to pick guilty or non guilty, who to jail or not to Jail under color of law Per jude own statement hearing was held on 7/14/2021 when plaintiff attorney Neal Brandon proved to the judge with proof evidence and testimony that the defendant Deming and FOC committed perjury under oath concealing and tampering with evidence, judge choose instead to jail the plaintiff maliciously under the color of law, contemplating her missing a weekend while she been hospitalized for a major surgery and he received the letter from a letter from surgeon Dr. Lura Koda, stating plaintiff unable and permitted from doing any activity including driving due to a major and pain drugs consumption, which can cause defect in surgery and danger in driving for 8 weeks and after the 8 weeks after re- evaluate the patient plaintiff to see when she can resume to her personal activity, judge and FOC refuse make up parenting time used their authority telling the plaintiff they don't care for her or her health, abused the plaintiff by making her driving the children to the defendant back and forth 6 hours , right after the procedure, which defendant abandon the children prior to that for 12 years and the court never contempt the defendant for violation of court order but Ellen Moore informed the plaintiff it's his right if he wish to practice or not, but if I don't travel on time regardless defendant show or not they will contempt me and arrest me, regardless the defendant not the plaintiff responsibility and we should meet halfway, but they made it as plaintiff responsibility to drive to their territory to protected the defendant if he stop by a police for criminal activity preventing him from arrest under their jurisdiction, and Allen Moore informed the plaintiff she wont allow defendant drive to the children or plaintiff location in lasing. And she made the meeting location in PawPaw state police which 15 min

away from the defendant and 3 hours from the plaintiff each way, regardless defendant never showed up for while,

4. Discrimination, sex and origin, favoritism of the defendant and praising him for he is male and disgrace the mother as female, judge Berger was asking the plaintiff were she is from, also made a commons that he knew the plaintiff has no one around to protect her. Which also proof of him staking the plaintiff statement was made by judge Berger hearing held on 09/28/2022

5. using a judicial position to promote a private interest or business;

\*conduct prejudicial to the effective and expeditious administration of the business of the courts (as an extreme example: "falsification of facts" at summary judgment); using the judge's ..

\* Bribery and making deal with plaintiff X to use him as a vessel to prosecute the plaintiff under the color of law, in return granting defendant all his wishes, including but not limited to, wipe out his criminal record, CPS child abuse and neglect, waiving all his child support for 12 years EX- parte, and refuse to enforce it, giving defendant immunity from prosecution and arrest, protecting him as his personal attorney, speak and file a motion on his behalf as the defendant mentally impaired, and not able to comprehend the law or even mentioned his children name, but they use him to agree of the malicious prosecution against the plaintiff

6. Judge refuse to recuse himself when have been told to do so during his conflict with one of the party and been informed of his misconduct, motion held on 09\28\22, judge Berger respond to plaintiff he dont care and he won't recuse himself, because the defendant likes him and that enough, then judge Berger confirm that with the defendant and the defendant confirm yes he love him which proof of his relationship with the defendant as well which considered another misconduct

7. engaging in ex parte communication and failure to execute their judicial duties in a timely fashion. Behavior outside of the courtroom can also be at issue.

\*EX- Parte with defendant waving his child support without hearing, period from 2011-7\22\2022 and without informing the plaintiff depriving the plaintiff and her minor children right to a child support, and his motion including custody motion

\* EX- Parte with plaintiff attorney Brandon Neal, 07\14\2021 offer him a deal to dismiss the plaintiff case and not to proceed with it, in return the attorney gain guaranteed winning all other cases, financial gain

\*EX- Parte with plaintiff attorney Paul Jancha defender office to make attorney find out fact what plaintiff had against him or to protect him from the legal err when judge arrested and jailed her under the color of law, judge Berger appoint attorney paul for himself to serve him not to protect the plaintiff right and defend her, for that after plaintiff spoke every time with the attorney paul regards the legal err, and false arrest he spoke to the judge and then he informed the plaintiff that the jude changed the arrest to something else 6 different time even though the plaintiff asked her attorney not to engage with any communication with the judge out of the courtroom due his history and background with plaintiff other attorney, after month from the hearing and paul didn't help much the plaintiff but judge with his influence was able to give the attorney a position as a judge at the courthouse

8. Judge acted as a lawyer on behalf of defendant Deming in a proceeding in which the judge has served as a judge or in any related proceeding. As well he acted as prosecutor on behalf the plaintiff winston

9. judicial accountability describes public accountability—getting approval from voters in elections,

\*judge behavior and misconduct rise the question about his credibility about the law, if he ever practice law school, and enforcing the legislature and united state constitution, instead making his own law or using and abusing the authority and absolute immunity granted to him by the state, to practice his criminal activity under the color of law, by stealing and destroying citizen life and their family for greed and illegal financial gain, by jailing innocent and im sure im not the only one who've been treated this manner as when i was jailed heard story from other women how they've been tormented false arrest and paying high bond only in cash to be released for a couple days before they get jailed again in less than a week to gain more fund through bond, also destroying children future and emotionally inflict the entire family by replacing them either foster care or endangered them like in my case with unfitted father torment them under the abuser psychopath gas lighting and domestic violence, alcoholic and drug addict, unsafe environment to to gain state money for them children, engaging in a reckless malpractice and judgment, taking their immunity for granted

10. unfair and Bias plaintiff not able to move forward, unable to have fair trial, unable to file motion at the lower court, unable to complain to the authority, unable to have access to her transcript, for entire year the appellate court waited on plaintiff to provide them with the transcript as a proof of evidence of judge malicious prosecution and the judge refused to released them under FOIA which result appeal being dismissed for plaintiff unable to provide the transcript of all the hearing of malicious prosecution

11. Involving in judicial corruption, Witnesses and victims may be threatened or bribed by political officials or defense lawyers.

\* Bribing Police enforcement to make false arrest, breaking in plaintiff house without arrest warrant or search warrant help the defendant kidnapping the children as well make a false Arrest, and after the plaintiff jailed the judge ordered bond \$5000 only in cash, also judge Berger changed the reason for the false arrest 6 different time trying to find legal way to blotted crimes against the plaintiff without releasing her of jail to assure she will lose her appeal if she doesn't respond in time to the appellate court, to protect themselves from being exposed to their criminal activity. Dismissing all malicious prosecution and Jail sentence depriving the plaintiff to proceed counter law suite and or to appeal by holding all transcript at his personal office and refused to release them under FOIA

\* Bribing plaintiff attorney

\* Bribing defendant Plaintiff X relationship to gain new identity by wiping all his criminal record and conceal it as will CPS, and helped him to gain financial child support from the plaintiff to use ofcourse for his addiction, as we see the judge never been concerned about the children being prior to that to have access to child support by waiving defendant all child support

Bribing for his election by the city to be a judge by making promises to protect or gain to the people who choosing him

\*Fraud and Money laundering Judge Brian Berger income for this Year by the human resource was reported 200% over all federal employees and 186% more than all judges in the state of Michigan!

\* Judge failed to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which: a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

\*the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge or lawyer has been a material witness;

\* known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

\* Judge false arrest The plaintiff wrongfully sentenced to jail under the color of law

\*Wrongly contempt of court order over. 9 times by false accusations under the color of law

\* Intimidated and Influencing plaintiff and her counselor attorney, and or and making deals with her other attorney

\* Fraud and ID Theft, plaintiff didn't receive any child support for 12 years except the one year she was appointed AG, also concerned of her unemployment of \$16.000 Lump sum. Which she had ID theft just month after AG endorsed the child support, plaintiff suspect its the FOR due they are the only one had access to my social number and have history behavior of stacking and forging documentation but don't have evidence

\*. Involved in criminal prosecution was initiated against the plaintiff. Which that the defendant committed, switched psychology, influenced and participated in the decision to prosecute plaintiff 7 times in row and wrongfully jail 4 times under the color of law

\* Committing perjury under oath, as he swore under oath at time being appointed judge at the office to carry and enforce the law justly, hold integrity,

\*Judge Berger failed to uphold the integrity and independence, failed to avoid impropriety, and the appearance of impropriety in all activity, Judge failed to performed the duties in the office fairly, impartially and diligently, and failed to compliance with code of conduct

\*3. Judge, Referee and FOC Committing Perjury under Oath. the Federal Employee subornation of perjury under oath, by engaging in conduct involving dishonesty, fraud, deceit and misinterpretation. False statements in outline( 18 USC 1001) whoever in any matter within the jurisdictions of executive, legislator, judicial branch of government of united states, knowingly and willfully, falsifies,falsified, conceal, cover up by any trick scheme or device material facts, Make any materially false, fictitious, fraudulent statement, or representation Judge Brian Berger, , referee Dale Murney, and FOC investigator Lying on official documentation. In order to make a false arrest, and prosecute a case. Forging documentation of custody to help defendant gain access to kidnap the children by using PD enforcement to break in plaintiff house, and to have access to children schooling records,

\* ruining plaintiff reputation by slandering her and making false accusation

\* Lack of probable cause or legal grounds to believe the allegations, including false arrest of child support where as the amount owed to the plaintiff judge Berger 07\22\22 change custody by terminating the plaintiff full sole legal physical custody voluntarily, and switch the custody to the defendant after committing child abuse neglect and abandonment for 13 Yrs. for vengeance for complaining against him to the higher authority as he threaten and promised the plaintiff

\* Legal malpractice, reckless judgment endangerment of children

12. judge involved in personal relationship with the defendant Deming and mutual interest against the plaintiff, including giving him all immunity and protection from getting arrested for any criminal activity he committing, including releasing him from Jackson prison, statement per defendant probation officer in Jackson informed the plaintiff and updated her for the defendant as he is domestic violence, under influence of drugs and alcohol, violating the court border, assault, damage property of plaintiff 8755 Meadow Lane, Berrien Spring in 2015

13. Judge involved in extrajudicial activity that are consistent with the obligations of judicial office

14. Excessive Malice. And improper motive, Malice in instituting or continuing their malicious criminal and civil legal proceeding

\* Judge Brian Berger holding the plaintiff winston file in his personal office, preventing the plaintiff access to her motion transcript, complain or enter any motion informing the clerk office of Berrien County to forward them all to his personal office\ Per Berrien County Clerk office Supervisor Sharon informed the plaintiff.

\*Over exaggerating punishment and fines and bond Charge plaintiff with a crime to divert the attention from the real perpetrator. Fine and bonds

\*Child Trafficking, and including child endangerment,

\*Stacking and harassment to the plaintiff and threaten the plaintiff if she complain to the authority to arrest and torch

\*. Intimidating and threaten the plaintiff harming or taking her kids from her and terminate the Plaintiff parental right under the color of law because she complain against them to authority

\* Excessive Malic including ordering the Jailer officer to harass and harm the plaintiff and commanding them spraying pepper spray from the vent of the jail in Berrien county at the plaintiff , officer jailer giggling and told the plaintiff they've been told to do so by judge Berger.

15. Canon 3B(4). A judge should neither engage in, nor tolerate, workplace conduct that is reasonably interpreted as harassment, abusive behavior, or retaliation for reporting such conduct. The duty to refrain from retaliation includes retaliation against former as well as current judiciary personnel.

Under this Canon, harassment encompasses a range of conduct having no legitimate role in the workplace, including harassment that constitutes discrimination on impermissible grounds and

other abusive, oppressive, or inappropriate conduct directed at judicial employees or others. See Rules for Judicial-Conduct and Judicial-Disability Proceedings, Rule 4(a)(2) (providing that "cognizable misconduct includes: (A) engaging in unwanted, offensive, or abusive sexual conduct, including sexual harassment or assault; (B) treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner; or (C) creating a hostile work environment for judicial employees") and Rule 4(a)(3) (providing that "cognizable misconduct includes intentional discrimination on the basis of race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability").

2019 plaintiff sent letter to Berrien County FOC from her supervisor Maximus, E. Lansing, where held very good job, income, insurance and benefit but the court kept asking for me to take off, which my supervisor stated in the letter if they keep requesting the plaintiff take day off the company going to termination plaintiff work, FOC respond that they don't care for the plaintiff work if she loose it or not regardless the defendant at time never practice his parental right for total 11 years neglect and abandonment.

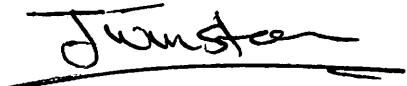
Plaintiff, result of all malicious prosecution that judge Brian Berger, Murney Dale very addicted to and enjoying watching plaintiff tournaments by bullying, abusive, intimidating, harassing, and suffering: emotional infliction with her family and children. Loss of income and can't keep a job. Loss of house. Loss financial and attorneys fee, where plaintiff is not able to have fair trial, and case dismissed without healing. Child support loss for a total 12 yrs. Ruin reputation dismissing case but kept plaintiff records felony. Public Humiliation, false arrest, PD breaking in house scare children, malicious prosecution and wrongfully jailed. Violation of all plaintiff bill of right, dispairment both plaintiff and her children, feel unsafe,

There was inadmissible evidence in court, 2. suppressing the evidence from the defense.  
3.Encouraging deceit from the defendant, witnesses and FOC. And 4.prosecutorial bluffing"  
threat and intimidation"I request the court to grant me in forma  
Pauperis under poor person status and unable to pay the standard fee for commencing action 28  
uSC 1915

Sincerely.,

11\26\23

Julianne Winston



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> JULIANNE WINSTON (b) County of Residence of First Listed Plaintiff <u>BERRIEN COUNTY</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small> (c) Attorneys (Firm Name, Address, and Telephone Number) N/A		<b>DEFENDANTS</b> JUDGE BRIAN BERGER\ REFEREE MURNEY DALE County of Residence of First Listed Defendant <u>BERRIEN COUNTY</u>  Case: 1:23-cv-13024 Judge: Ludington, Thomas L. MJ: Morris, Patricia T. Filed: 11-29-2023 At 02:32 PM CMP Winston v. Berger (krc)																																																																																													
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<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability																																																																																														
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle																																																																																														
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability																																																																																														
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury																																																																																														
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice																																																																																														
<input type="checkbox"/> 196 Franchise																																																																																															
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION																																																																																												
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 462 Naturalization Application																																																																																												
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 465 Other Immigration Actions																																																																																												
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence																																																																																													
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General																																																																																													
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/ Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty Other:																																																																																													
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/ Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other																																																																																													
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights																																																																																													
		<input type="checkbox"/> 555 Prison Condition																																																																																													
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement																																																																																													
<a href="#">Click here for: Nature of Suit Code Descriptions.</a>																																																																																															
<b>V. ORIGIN</b> (Place an "X" in One Box Only)																																																																																															
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 8 Multidistrict Litigation - Direct File																																																																																															
<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983 \ 2d Judges § 61, and Stump v. Sparkman, 435 U.S. 349 Brief description of cause: <b>FEDERAL COURT UPHOLD JUDGE ACCOUNTABLE FOR HIS ACTION</b>																																																																																													
<b>VII. REQUESTED IN COMPLAINT:</b>		<input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ 10,345,000.00																																																																																												
<b>VIII. RELATED CASE(S) IF ANY</b>		(See instructions): JUDGE judge Berger Brian\ Murney Dale																																																																																													
DATE 06/05/2018		SIGNATURE OF ATTORNEY OF RECORD David Moore																																																																																													
DOCKET NUMBER 2018-0089-DL-R\ J1018635																																																																																															
FOR OFFICE USE ONLY																																																																																															
RECEIPT #	AMOUNT	APPLYING IPP	JUDGE																																																																																												
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